

**M e m o r a n d u m**

Date: November 12, 2009

To: Office of the Commissioner

Attention: Commissioner J. A. Farrow

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**  
Office of the Assistant Commissioner, Inspector General

File No.: 005.9968.13749.010

Subject: FINAL 2009 COMMAND EVIDENCE INSPECTION OF THE  
CASTRO VALLEY AREA

I am issuing this final inspection report of the Castro Valley Area pursuant to Government Code (GC) §13887, the California Highway Patrol (CHP) Audit Charter and CHP Audit Plan. The inspection focused on the command's evidence system pursuant to departmental policy set-forth in Chapter Two, *Command Evidence* of Highway Patrol Manual (HPM), 22.1, *Command Inspections Program Manual*, and HPM 70.1, *Evidence Manual*.

This inspection was conducted using methodology number three, as presented in HPM 22.1. This is a five step process, which consists of selecting an item in the Area Information System (AIS); locating the item in the Evidence/Property Log; reviewing the corresponding CHP 36, Evidence/Property Receipt/Report; locating the evidence/property item; and verifying the current disposition of the item.

The inspection consisted of examining a stratified random sampling of all categories of evidence/property in the AIS. There were a total of 412 active, 722 closed, and 25 voided evidence/property numbers in the AIS. The evidence numbers were broken down according to their respective categories within AIS. The evidence numbers associated with closed and voided items were kept separate from the active items. To achieve a statistically defensible sample with a 95 percent confidence level and a plus or minus five percent error rate, 57 items from the active, 57 from the closed, and 15 evidence numbers from the voided categories were inspected. Each category from AIS was stratified to ensure each group was proportionally represented in the sample. The internet web site "randomizer.org" was utilized to randomly select evidence numbers from each stratified category as well as the closed numbers.

The inspection findings for the Castro Valley Area are as follows:

1. Several items associated with evidence number E20070165 (ammunition) could not be located. Additionally, the corresponding CHP 36 cardstock could not be located.

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2. The inspector discovered that the AIS is not being updated consistently. Gross and net weights associated to drugs booked as evidence are not always listed in the AIS, and related items listed as active should be closed.
3. Not all evidence items are being listed on the CHP 36B, Evidence Property Log.
4. The gross and net weights for drug related items are not consistently listed on the CHP 36B logs. Also, there were weight discrepancies for evidence number E20080186 when comparing the recorded weight on the CHP 36 and those recorded on the CHP 36B.
5. The booking officer's initials and the date the evidence was booked are not consistently documented on the evidence tape.
6. The chain of possession section of the CHP 36 forms is not always being used to record each movement and transfer of evidence.
7. Review of 57 CHP 36 forms revealed one form lacked an officer-in-charge or supervisor's signature, date, or initials, indicating the document and/or the evidence had been reviewed for compliance.
8. The command's evidence inspection reports were not completed for every quarter.
9. The hinges to the exterior door are located on the outside of the evidence room door.
10. Based on further review, this finding has been rescinded.
11. There was no documentation available indicating when the evidence lock was last re-keyed.
12. The Castro Valley Area does not have an assigned alternate evidence officer.

The Castro Valley Area Commander agreed with most of the findings and has taken corrective action to improve command operations related to the command's evidence system. However, the Castro Valley Area disagrees with findings number seven and number 10. Upon further review of finding number seven, the Office of Inspections (OISP) has determined that the finding stands. The OISP agreed with the command's response on finding number 10. Specifically, the Castro Valley Area demonstrated that they have a record log secured to the Area's safe in the

evidence room that meets the requirement of both departmental policy and the State Administrative Manual. The Commander's response is attached and is incorporated into this final report.

In accordance with the *International Standards for the Professional Practice of Internal Auditing* and Government Code §13887 (a) (2), this report, the response, and any follow-up documentation is intended for the Office of the Commissioner; Office of the Assistant Commissioner, Field; Office of the Assistant Commissioner, Inspector General; Office of Legal Affairs; Office of Inspections; and Golden Gate Division. Please note this report restriction is not meant to limit distribution of the report, which is a matter of public record pursuant to Government Code §6250 et seq. Furthermore, in accordance with the Governor's Executive Order S-20-09 to increase government transparency this report will be posted on the CHP's internet website, and on the Office of the Governor's webpage, located on the State's Government website.

Golden Gate Division has reviewed the corrective action taken by the Castro Valley Area and has concluded that all previously identified deficiencies have been resolved. As a result no further reporting is required by the Castro Valley Area and the matter is considered closed.

The Office of Inspections would like to thank the Castro Valley Area's management and staff for their cooperation during the inspection. If you need further information, please contact me or Assistant Chief Ken Hill at (916) 843-3005.

  
M. C. A. SANTIAGO  
Assistant Commissioner

Attachment

cc: Office of the Assistant Commissioner, Field  
Office of Legal Affairs  
Office of Inspections  
Golden Gate Division  
Castro Valley Area

**M e m o r a n d u m**

Date: October 6, 2009

To: Office of Inspections

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**  
Castro Valley Area

File No.: 375.13120.17274

Subject: RESPONSE TO DRAFT CASTRO VALLEY AREA COMMAND EVIDENCE  
INSPECTION REPORT

This memorandum is intended to serve as the written response to the draft command evidence inspection report of the Castro Valley Area as required by the Office of Assistant Commissioner, Inspector General's memorandum dated July 7, 2009.

**FINDINGS REQUIRING FOLLOW-UP:**

**Finding 1 – Agree.** A comprehensive search of the evidence room was conducted by the Evidence Officer and Supervisor on July 20, 2009. The missing ammunition and CHP 36 cardstock was not located. On August 13, 2009, the Evidence Officer contacted the Alameda County Crime Laboratory to determine if the item had been sent there and the transfer not correctly indicated in AIS. The ammunition was not at the laboratory. On August 13, 2009, the Evidence Officer contacted the CHP Academy to determine if the ammunition had been shipped to the Academy for proper disposal. The Academy had no record of the ammunition. To date, the missing ammunition and CHP 36 cardstock has not been located. The search for the missing ammunition will continue.

**Finding 2 – Agree.** Officer Rhoades (Evidence Officer) and Officer Price (Alternate Evidence Officer) were trained to properly update AIS. Officer Rhoades was trained on April 9, 2009, and Officer Price was trained on June 2, 2009. Most of the AIS entry errors were made by the former Evidence Officer. Officer Rhoades and Officer Price understand the importance of continually updating AIS as it relates to evidence for both active and closed cases

**Finding 3 – Agree.** On May 4, 2009, Officer Rhoades created a corrective “cover sheet” that is returned to the booking officer if errors or omissions such as these are encountered. This will ensure evidence is being booked and processed correctly. In addition, Officer Rhoades will provide evidence training at future Area Training Days to ensure all personnel understand proper evidence booking procedures.

**Finding 4 – Agree.** In order to protect the integrity of Evidence Item E20080186, the package was not opened in order to correct the weight discrepancy. On August 13, 2009, Officer Rhoades reviewed all active drug related evidence items and updated the CHP 36B log to

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indicate the gross and net weights listed on the evidence envelopes. To ensure this error does not occur in the future, Officer Rhoades created a corrective "cover sheet" that is returned to the booking officer if errors or omissions such as these are encountered. This will ensure evidence is being booked and processed correctly. In addition, Officer Rhoades will provide evidence training at future Area Training Days to ensure all personnel understand proper evidence booking procedures.

**Finding 5 – Agree.** In order to protect the integrity of evidence items previously booked without the booking officers' initials and the date the evidence was booked no changes were made to items already in evidence. To ensure this error does not occur in the future, Officer Rhoades created a corrective "cover sheet" that is returned to the booking officer if errors or omissions such as these are encountered. This will ensure evidence is being booked and processed correctly. In addition, Officer Rhoades will provide evidence training at future Area Training Days to ensure all personnel understand proper evidence booking procedures.

**Finding 6 – Agree.** This issue was discussed with Officer Rhoades and Officer Price on July 9, 2009. They were advised to be diligent and to ensure they record each movement and transfer of evidence to keep the chain of possession secure. A review of the chain of possession section of the CHP 36 forms will be conducted by Sgt. Perea during the quarterly Area evidence audits.

**Finding 7 – Disagree.** Although this was an issue identified during the inspection, the only example of this was a closed item, E20070164, which did not have a supervisor's signature. Supervisor's as well as OIC's have been advised to be diligent in reviewing CHP 36 forms and signing them for the booking officer. In addition, Officer Rhoades created a corrective "cover sheet" that is returned to the booking officer if errors or omissions such as these are encountered. This will ensure evidence is being booked and processed correctly.

**Finding 8 – Agree.** This issue was noted during the Area self-inspection conducted in September 2008, and the Division-level evidence inventory conducted on October 27, 2008. Since then the Area has successfully completed the 2009 first and second quarter audits on April 6, 2009, and July 16, 2009, respectively. Required audits will continue to be conducted on a quarterly basis.

**Finding 9 – Agree.** This issue was identified during the September 2008, Area self-inspection. Lt. Day discussed the outwardly-mounted door hinges with Captain Whitby. It was determined that the door could not be configured to swing inward thus correcting the hinge issue. Captain Whitby directed Lt. Day to contact the building owner and arranged for a locksmith to respond to the office and evaluate the door hinges. When the locksmith arrived he advised Lt. Day that the hinges were tamper-proof security hinges. The hinges were sealed and the hinge pins could not be removed. Until such time as the Castro Valley Area moves into a new facility this issue cannot be corrected.

**Finding 10 – Disagree.** This issue was identified during the September 2008, Area self-inspection. In September 2008 a log was created indicating which employees had access to the safe combination and when the combination was last changed. The log was created by Lt. Day and secured to the top of the safe. This log was in place when the headquarters-level inspection was conducted and the inspector was shown the log. Per the State Administrative Manual (Section 8024) and HPM 11.1, chapter 4, a “record” or “record log” is the only requirement. A memorandum is not required. The log secured to the safe in the evidence room meets the requirement of both the State Administrative Manual and Departmental policy so no corrective action is warranted.

**Finding 11 – Agree.** The evidence room was re-keyed on August 20, 2009.

**Finding 12 – Agree.** On June 1, 2009, Officer C. Price, 18308, was selected as the Alternate Evidence Officer. He received training from Officer Rhoades June 2-5, 2009, and was the Acting Evidence Officer from June 8-30, 2009, while Officer Rhoades was attending training at the Academy.

Questions regarding this response may be directed to Lieutenant Franklin via e-mail at [LFranklin@chp.ca.gov](mailto:LFranklin@chp.ca.gov) or by telephone at (510) 581-9028.



L. M. FRANKLIN, Lieutenant  
Commander

cc: Office of the Assistant Commissioner, Field  
Golden Gate Division